

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE HERNANDEZ; KEITH GURGUI;
RASHETA BUNTING; KAREN LUXTON
GOURGEY, ED.D; DISABILITY RIGHTS
NEW YORK; NATIONAL FEDERATION
OF THE BLIND OF NEW YORK STATE,
INC.; AMERICAN COUNCIL OF THE
BLIND OF NEW YORK, INC.; and
CENTER FOR INDEPENDENCE OF THE
DISABLED, NEW YORK,

CASE NO: 1:20-cv-04003-LJL

**PLAINTIFFS' SECOND MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs,

-against-

THE NEW YORK STATE BOARD OF
ELECTIONS, DOUGLAS A. KELLNER,
Co-Chair and Commissioner, ANDREW
SPANO, Commissioner, PETER S.
KOSINSKI, Co-Chair and Commissioner,
TODD D. VALENTINE, Co-Executive
Director, and ROBERT A. BREHM, Co-
Executive Director, in their official capacities
at the New York State Board of Elections,

Defendants.

PLAINTIFFS' SECOND MOTION FOR PRELIMINARY INJUNCTION

NOW COME Plaintiffs, JOSE HERNANDEZ, KEITH GURGUI, RASHETA
BUNTING, KAREN LUXTON GOURGEY, ED.D, DISABILITY RIGHTS NEW YORK,
NATIONAL FEDERATION FOR THE BLIND OF NEW YORK, INC., AMERICAN
COUNCIL FOR THE BLIND OF NEW YORK; and CENTER FOR INDEPENDENCE OF
THE DISABLED, NEW YORK (Plaintiffs), by and through undersigned counsel, and hereby
move this Honorable Court for a Preliminary Injunction pursuant to Federal Rule of Civil

Procedure 65(a) in order to prevent irreparable injury to Plaintiffs in advance of the November 3, 2020 General Election. Defendants NEW YORK STATE BOARD OF ELECTIONS, DOUGLAS A. KELLNER, Co-Chair and Commissioner, ANDREW SPANO, Commissioner, PETER S. KOSINSKI, Co-Chair and Commissioner, TODD D. VALENTINE, Co-Executive Director, and ROBERT A. BREHM, Co-Executive Director, in their official capacities at the New York State Board of Elections, have refused to make New York State's Absentee Voting program accessible for New York voters with print disabilities, in violation of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, *et seq.* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.* In support of this motion, Plaintiffs rely on the Complaint, the attached Memorandum of Law, the attached Declarations, and the attached Exhibits.

WHEREFORE, for all the reasons set forth in this Motion, its Memorandum of Law and related Declarations, and Exhibits, the Complaint, and the First Motion for TRO/PI and Memorandum of Law and related documents, Dkt.8, Plaintiffs hereby respectfully request that this Honorable Court grant their Second Motion for Preliminary Injunction and order Defendants make the Absentee Voting Program accessible to voters with print disabilities by providing an effective and purpose-built Remote Accessible Vote-by-Mail ("RAVBM") system for use across New York State for the November 3, 2020 election.

Respectfully submitted,

By: /S/ Amanda B. Pearlstein

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